

**ETHERTON LAW GROUP** LLC5555 EAST VAN BUREN STREET
SUITE 100
PHOENIX, AZ 85008TEL: 602-681-3331
FAX: 602-681-3339**RECEIVED
CENTRAL FAX CENTER****NOV 13 2007**

To: United States Patent and Trademark Office
Central Facsimile

Fax: **571-273-8300**

Phone:

Re: Reply to Notice of Panel Decision

Appl. No: 10/772973

Atty File: 206-024

FROM: Sandra L. Etherton, Reg. No. 36,982**FAX:** 602-681-3339**PHONE:** 602-681-3331**PAGES:** 4 including cover**DATE:** November 12, 2007

**THE ATTACHED INFORMATION IS CONFIDENTIAL.
PLEASE DO NOT DISSEMINATE TO OTHER THAN ADDRESSEE.**

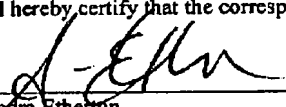
**RECEIVED
CENTRAL FAX CENTER**

NOV 13 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Applicants: SHANKS, Steven C. et al.
Title of Invention: Laser Device to Treat Sympathetic and Parasympathetic Nervous System
Filed: 02/04/2004
Serial Number: 10/772,973
Atty Docket No.: 206-024

CERTIFICATE OF TRANSMISSION under 37 CFR §§1.8 and 1.6(d)		
I hereby certify that the correspondence listed below is being transmitted by facsimile on the date indicated below to the Central Facsimile Number listed below.		
	11/12/07	571-273-8300
Sandra Etherton	Date	Central Facsimile

RESPONSE TO NOTICE OF PANEL DECISION

Mail Stop AF
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a response to a Notice of Panel Decision from Pre-Appeal Brief Review dated November 2, 2007, in which the Panel denied our request for a Pre-Appeal Brief review for submitting an insufficient fee. The factual summary follows:

An Office Action for the above-identified application was dated July 2, 2007, with a shortened statutory response period set to expire three months from that date. Three months later, on October 2, 2007, Applicants timely submitted a Notice of Appeal, Request for Pre-Appeal Brief Review, and Statement Accompanying the Request for Pre-Appeal Brief Review, however Applicant inadvertently submitted a fee of \$250 instead of \$255.

11/13/2007 FHETEKI1 00000054 10772973

01 FC:2252

230.00 0P

Serial Number: 10/772,973
Page 2

RECEIVED
CENTRAL FAX CENTER

NOV 13 2007

Applicant received a Notice of Panel Decision from Pre-Appeal Brief Review dated November 2, 2007, denying the review for failure to submit \$5. Consequently, a charge form is enclosed for \$235, which covers the \$5 balance due, as well as a two-month extension fee. Applicants believe that the application is in form for review, and requests that it be reviewed prior to Appeal.

Applicant's attorney has tried unsuccessfully to reach Tracie Hargrove, the signer of the Notice of Panel Decision, to determine if the present reply is sufficient. If additional papers or fees are due, or if the extension fees can be refunded, Applicant's attorney respectfully requests that she be notified promptly to rectify the situation.

Respectfully submitted,



Sandra L. Etherton
Attorney for Applicant-Appellant
Registration No. 36,982

Customer Number 33354
Etherton Law Group, LLC
5555 East Van Buren Street
Suite 100
Phoenix, AZ 85008
tel: 602-681-3331
fax: 602-681-3339